

HOUSE No. 4924

Section 339 contained in the engrossed Bill making appropriations for the fiscal year 2005 (see House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment Y of House, No. 4901). June 28, 2004.

=====

The Commonwealth of Massachusetts

In the Year Two Thousand Four

An Act relative to community based juvenile justice programs.

***Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith community based juvenile justice programs, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, there shall be a pilot program in Essex and Hampshire counties, subject to appropriation, to establish a community based juvenile/youthful justice program for the purposes of insuring the safety and security of the public and private schools of said counties, addressing the problems of juvenile and youthful violence, improving the services available to school-aged youth, insuring the effective use of resources by state and local law enforcement and

social service agencies, and promoting collaboration among schools, local and state law enforcement agencies, private industry, municipalities, the probation department, and the departments of social services, youth services, mental health and public health. Said program shall assist in the development of school and community based programs that are designed to prevent violence and delinquency, develop techniques for the early identification of at-risk youth, divert non-violent youthful offenders from the juvenile or criminal justice system, and insure the availability of and access to community based rehabilitative services including, but not limited to, substance abuse services for youthful offenders when appropriate.

Notwithstanding any general or special law to the contrary, for the purpose of establishing, implementing, or carrying out said pilot program, employees and representatives of the following agencies and departments may discuss and exchange information concerning court records, investigations, court proceedings, and care, custody, education and treatment plans of juveniles and school-age persons under the age of 21 who attend elementary, junior high, or high schools in Essex or Hampden county, public or private school systems designated by the superintendent of schools including but not limited to registered nurses employed by the schools, the probation department, the office of the district attorney, state or local police departments, the office of the sheriff, the department of youth services, the department of social services, the department of mental health, the department of public health, and other social service providers. In no instance shall any aspect of an individual's confidential communications with a sexual assault counselor, as defined in section 20J of chapter 233 of the General Laws or otherwise, be shared among the aforementioned parties. Employees and

representatives of the department of social services, the department of mental health, and the department of public health may share information regarding the existence of services, treatment plans, and the identity of providers; but said employees and representatives shall share privileged information only when authorized by order of the juvenile court in requests involving a child under the age of 17 and the district court for requests concerning adults. Finally, any privileged communication made to a psychotherapist, as defined in section 20B of said chapter 233, or the results of a court-ordered psychiatric examination shall be shared only when authorized by order of the juvenile court in requests involving a child under the age of 17 and the district court for requests concerning adults. The appropriate court shall notify the parent or guardian of a person whose privileged information is requested of his right to appear at the hearing regarding the request for access to said privileged information. Any agency or employee or representative thereof who, without authority, discloses or disseminates such information or uses such information for purposes not described in this section shall be punished by a fine of not more than \$5000.

The district attorneys of Essex and Hampshire counties shall submit a report to the house and senate committees on ways and means and the joint committee on the judiciary every 6 months on the activities, procedures, performance, operation, implementation and cost of each community based juvenile/youthful justice program established pursuant to this pilot program. Said district attorneys, in preparing the reports, shall consult with the office of the chief justice of the juvenile court, office of the commissioner of probation and department of social services.

SECTION 2. This act shall take effect as of July 1, 2004.